

REMARKS**Claim Rejections 35 U.S.C. § 103**

In the outstanding Office Action, the Examiner has rejected claims 1-4, 7-19, 21-27, and 30-34 under 35 U.S.C. § 103(a) as being unpatentable over Dubois (U.S. 2,422,543) in view of Bolle' (U.S. 5,138,723). The Examiner contends that Dubois teaches, among other features, goggles comprising a plastic housing 10 with an arcuate surface with a first end and a second end. Applicant respectfully traverses this rejection on the following grounds.

The term "arcuate" is a descriptive term that defines the configuration of the upper surface of the goggle. As is described in paragraph 44, and as depicted in FIG. 6 of the application, the arcuate upper surface 14 is defined by an arc or a range of rotation "ROR". Neither Dubois nor Bolle' teaches the use of an arcuate upper surface that is defined by an arc with an axis of rotation extending outwardly from the tip of the wearer's nose. Both Dubois and Bolle' teach the use of an upper surface that is horizontally planar, when worn by the wearer, as is seen in FIGS. 1 of both Bolle' and Dubois but that is arcuate solely in terms of the goggle's ability to wrap around the head of the wearer.

Applicant's specification at paragraph 46 provides that "the present invention seeks to avoid any obstruction of the temporal field of view. The goggle 10 upper surface 14 front panel 20 and the first and second lower panels 28, 30 are configured to minimize the obstructions to the user's field of view." The arcuate upper surface 14, as detailed in the application at paragraph 44, is critical to the functionality of this invention. Moreover, neither of the two additional patents referenced in the PTO-892 attached to the Examiner's Office Action (U.S. 3,031,674 and U.S. 4,850,058) teach the use of an upper arcuate surface that is defined by an arc with a axis of rotation that extends from the tip of the wearer's nose. Consequently, it would not have been obvious to one of ordinary skill in the art to provide the goggles of Dubois with the vent means taught by Bolle', in order to prevent fogging of the goggle's planar front surface. Applicant respectfully requests reconsideration and withdrawal of this rejection based on the preceding comments.

Should the Examiner believe that issues remain outstanding, the Examiner is respectfully requested to call Applicant's undersigned attorney in an effort to resolve such issues and advance this application to issue.

Respectfully submitted,

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